

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

McAllen, Division

V.

United States District Court
Southern District of Texas
CRIMINAL COMPLAINT

Maria Guadalupe Gutierrez

FILED

Case Number: M-14-~~1962~~-M

A202 123 538

OCT 09 2014

YOB: 1990

COC: United States

Name and Address of Defendant

Clerk of Court

I the undersigned complainant, state the following is true and correct to the best of my knowledge and belief. On or about October 8, 2014 in Hidalgo County, in the Southern District of Texas defendant(s) did,

knowing or in reckless disregard of the fact that an alien has come to, entered, or remain in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law and conspired to bring alien to the United States disregarding any official action which may later be taken to such alien,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) & 1324(a)(1)(A)(v)
I further state that I am a(n) Customs and Border Protection Officer and that this complaint is based on the following facts:

Refer to Attachment A

Continued on the attached sheet and made a part of this complaint:

☒ Yes

☐ No

Approved By: J. Leonard
Sworn to before me and subscribed in my presence,

Signature of Complainant

Juan R. Ciénega

Printed Name of Complainant

October 9, 2014

Date

Dorina Ramos

U.S. Magistrate Judge

Name and Title of Judicial Officer

at

McAllen, Texas

City and State

Dorina Ramos

Signature of Judicial Officer

Attachment A

On 10/08/2014, Maria Guadalupe GUTIERREZ, a United States citizen, attempted to bring into the United States through the Pharr Port of Entry minor S.G.A. (female, age 3), a citizen of Mexico, as a United States citizen as passengers aboard a taxi. In an attempt to deceive CBP officers, the defendant presented a City of Edinburg, Texas birth certificate bearing the name M.P., and claimed the child as her friend's daughter. As the child was sleeping, GUTIERREZ was asked to wake her, but the child was unresponsive. Both were referred into CBP secondary for further inspection.

In secondary, after further inspection and seeing that the child continued to be unresponsive, the defendant admitted to the child's true identity and place of birth as Jalisco, Mexico. The defendant was read her Miranda rights, and she invoked her right to remain silent and legal representation.

Soon after being sent to secondary, Elida ALVAREZ-Ortiz (the child's mother), arrived at the Pharr Port of Entry looking for her daughter. ALVAREZ-Ortiz was interviewed and she admitted the defendant was a friend of hers since childhood, and that the defendant had agreed to help bring the child into the United States as a favor. ALVAREZ-Ortiz claimed to have obtained the birth certificate from a friend (the true owner's mother) for the purpose of bringing her child into the United States illegally.

ALVAREZ-Ortiz further stated she had bought a bottle of *Oxcarbazepin*, had filled a syringe with 5 ml in the presence of the defendant, and had instructed the defendant to administer the drug to the child to induce sleep. The defendant went to Mexico, took custody of the child, administered the drug, and proceeded to make entry into the United States.

ALVAREZ-Ortiz went on to request medical attention for S.G.A. due to her strange and unresponsive behavior. Paramedics were called and the child was transported to the McAllen Medical Center. After being medically cleared, the child was transported back to the port, reunited with ALVAREZ-Ortiz, and both mother and child were returned to Mexico.